

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3744 of 1996

to

FIRST APPEALNo 3778 of 1996

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SPECIAL LAND ACQUISITION OFFICER

Versus

SHANTABEN HASMUKHLAL PATEL

Appearance:

Mr. M.R. Anand, Senior Counsel with Mr. L.R. Pujari, for the appellant.

Mr. Nitin Amin for respondents.

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 19/09/96

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties. Appeals admitted. Mr. Nitin Amin waives service on behalf of the concerned respondents in each of the appeals and undertakes to file his Vakalatnama.
2. At the joint request of learned counsel for the

respective parties these appeals are taken up for final hearing today.

3. These appeals have been filed by the State under section 54 of the Land Acquisition Act read with section 96 CPC, challenging the common judgement and awards passed by the Reference Court under section 18 of the Land Acquisition Act in Land Reference Case Nos.896/87 to 930/87.

4. As a result of the hearing, a discussion on the merits of the judgement, and perusal of such documents as the learned counsel for the respective parties have thought necessary, it becomes apparent that the impugned judgement is based primarily upon an earlier award of the Reference Court passed under section 18 of the said Act, at Exh.65 on the record. Mr. Amin, learned counsel for the respondents, states at the bar that the said award at Exh.65 on the record of this case pertains to the decision in earlier Land Reference Case Nos.77/87 to 98/87, and the said common judgement at Exh.65 was challenged by the State in this court by filing First Appeal Nos.1023/95 to 1044/95. This group of First appeals came to be decided on merits by me by judgement and order dated 26th February 1996. The learned counsel for the appellant accepts this statement.

5. Learned counsel for the respective parties agree that there is no significant difference on the facts and circumstances of the instant group of References which would in any manner distinguish my aforesaid decision.

6. Thus, on the facts and circumstances of the case I am of the opinion that, for the reasons recorded in my aforesaid decision, the market value of the acquired lands in the instant case would be the same as the land value determined by me in my aforesaid decision i.e. Rs.8/- per square meter.

7. Thus, the market value in the instant group of References is hereby determined at Rs.8/- per square meter, and the impugned common judgement and awards stand modified to the aforesaid extent. It is clarified that the rest of the judgement and awards are hereby confirmed.

8. In the result these appeals are partly allowed with no order as to costs.

9. Decree accordingly.

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